UNITED STATES PATENT AND TRADEMARK OFFICE

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09/753,335	12/29/2000	Steven M. Armstrong	061473 0269987	8408

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2697	

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No. 09/753,335	**Applicant(s)** ARMSTRONG ET AL.
Office Action Summary	**Examiner** Md S Elahee	**Art Unit** 2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-21_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _30 October 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____ .

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

Claim Rejections - 35 USC § 112

1.   Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 8, "the communication management option" lacks antecedence basis because the claim only recites "options" on lines 2 and 5.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-4, 6-13 and 15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Matthews et al. (U.S. Patent No. 4,602,129).

Regarding claims 1 and 10, Matthews discloses a subscriber caller providing greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.68, lines 7-17, lines 48-64; 'a

subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service').

Matthews further discloses user dialing command for name record (fig.27, step 1550; 'command' reads on the claim 'selected access code') or user dialing "9" for recording a prompt message on his RO message (fig.36, step 1842; "9"' reads on the claim 'selected access code') or user dialing the PIM command for recording a PIM (fig.38; 'PIM command' reads on the claim 'selected access code') through a voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

Matthews further discloses recording name of the subscriber (fig.27b, step 1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step 1848; 'message' reads on the claim 'personalized prompt'), user's response (fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber.

Matthews further discloses when a outside caller try to access the subscriber's mailbox or his RO message address through a voice response service provided to the caller, the recorded personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox or his RO message address' reads on the claim 'location').

Regarding claims 2 and 11, Matthews further discloses the step NAME RECORD whereby a user's name is deposited in the VMS memory banks for transmittal with each of the user's deposited messages and if the user requests the NAME RECORD feature, the program flows along the "Y" path to a decision block 1552 and if this C.O.S. is activated, the program flows along the "Y" path to a function block 1554 wherein VMS prompts the user to record his name (fig.27b; col.55, lines 34-45; 'prompts' reads on the claim 'maintaining help information'). VMS is providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Regarding claims 3 and 12, Matthews further discloses the VMS 10 validating user ID (fig.12, step 624), acknowledging a valid code has been entered (fig.12, step 628) with an audible signal, such as a single "beep" (fig.11, fig.12; col.23, lines 10-14; 'validating user ID' reads on the claim 'receiving a user identification') through a voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

Matthews further discloses the conclusion of the recording step 610, the user may elect to either DEPOSIT another message 612, inquire for messages 614 or hang up 616 (fig.11, fig.21; col.22, lines 50-54). At the end of record voice message program step 610 the user has the three program options (fig.11, fig.14, col.24, lines 32-35; 'program options' reads on the claim 'a list of available communication management options').

Matthews further discloses the selected code against the list of options has been inherently compared in the system (fig.14, block 658).

Matthews further discloses VMS 10 utilizing several microprocessor controlled Universal Control Boards connected to one bus instead of a single minicomputer (col.21, lines 34-36; 'controlled Universal Control Boards' reads on the claim 'controlling operation').

Regarding claims 4 and 13, Matthews further discloses the VMS 10 validating user ID 624, acknowledging a valid code has been entered 628 (fig.11, fig.12; col.23, lines 10-13; 'validating user ID' reads on the claim 'receiving a user identification').

Matthews further discloses VMS providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Matthews further discloses the conclusion of the recording step 610, the user may elect to either DEPOSIT another message 612, inquire for messages 614 or hang up 616 (fig.11, fig.21; col.22, lines 50-54). At the end of record voice message program step 610 the user has the three program options (fig.11, fig.14, col.24, lines 32-35; 'program options' reads on the claim 'a list of available communication management options').

Regarding claims 6 and 15, Matthews further discloses a subscriber caller providing greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.68, lines 7-17, lines 48-64; 'a subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service').

Matthews further discloses an inquiry whether the user will be gone for several days or several weeks by outputting a CVM such as "Do you wish to say you will be gone for several days or several weeks: dial `1` for days, or `2` for weeks" (fig.38, step 1910; col.73, lines 10-16; 'outputting a CVM' reads on the claim 'help information'; 'dial' reads on the claim 'provide personalized prompts' and 'function block 1910' reads on the claim 'first interactive voice response service').

Matthews further discloses user's response by dialing either a "1" or a "2" (fig.38, step 1912; col.73, lines 16-18; 'response by dialing' reads on the claim 'an option selection'). The program then proceeds to a function block 1914 wherein the VMS enters the status information into the user's record (fig.38; col.73, lines 18-20; 'status information' reads on the claim 'personalized prompt'; 'VMS' reads on the claim 'network interface' and 'user's record' reads on the claim 'help information associated with the selected option'). Thus, VMS provides the respective help information to the user.

Regarding claims 7 and 16, Matthews further discloses recording user's response (fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service').

Matthews further discloses VMS entering the status information into the user's record (fig.38, step 1914; col.73, lines 18-20; 'status information' reads on the claim 'personalized

prompt'; 'VMS' reads on the claim 'network interface' and 'user's record' reads on the claim 'help information associated with the selected option'). Thus, VMS provides the respective access codes to the user.

Regarding claims 8 and 17, Matthews further discloses the voice response service for mailbox subscriber (col.69, lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second interactive voice response service') is different from the voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.68, lines 7-17, lines 48-64; 'a subscriber caller' reads on the claim 'a user' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service').

Regarding claims 9 and 18, Matthews further discloses the VMS 10 validating user ID (fig.12, step 624), acknowledging a valid code has been entered (fig.12, step 628) with an audible signal, such as a single "beep" (fig.11, fig.12; col.23, lines 10-14; 'validating user ID' reads on the claim 'receiving a user identification' and 'VMS' reads on the claim 'network interface').

Matthews further discloses the conclusion of the recording step 610, the user may elect to either DEPOSIT another message 612, inquire for messages 614 or hang up 616 (fig.11, fig.21; col.22, lines 50-54). At the end of record voice message program step 610 the user has the three program options (fig.11, fig.14, col.24, lines 32-35; 'program options' reads on the claim 'a list of available communication management options'). The help information-providing step is inherently performed in the system (fig.11, fig.12 and fig.14).

Regarding claim 19, Matthews further discloses a subscriber caller providing greeting, name of the subscriber etc. by voice response service provided to callers who want to access the subscriber's mailbox or RO message address (fig.35; col.68, lines 7-17, lines 48-64; 'a subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the claim 'personalized prompts' and 'voice response service provided to callers who want to access the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice response service') and when a outside caller try to access the subscriber's mailbox or his RO message address through a voice response service provided to the caller, the recorded personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox or his RO message address' reads on the claim 'a prompts store').

Matthews further discloses the VMS system 10 storing a message deposited from a caller, and the message is later delivered to the addressee (fig.3; col.5, lines 34-36; 'VMS' reads on the claim 'a personalization server'). Instructional messages are also stored in the data storage 64 to guide the user in using the VMS 10 (fig.3; col.5, lines 36, 37; 'Instructional messages' reads on the claim 'personalized prompts').

Matthews further discloses VMS inherently stores the list of the communication management options.

Matthews further discloses VMS inherently stores access codes respectively associated with the communication management options.

Matthews further discloses recording name of the subscriber (fig.27b, step 1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step 1848;

'message' reads on the claim 'personalized prompt'), user's response (fig.38, step 1912; 'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924; 'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit through a voice response service for mailbox subscriber.

Regarding claim 20, Matthews further discloses the step NAME RECORD whereby a user's name is deposited in the VMS memory banks for transmittal with each of the user's deposited messages and if the user requests the NAME RECORD feature, the program flows along the "Y" path to a decision block 1552 and if this C.O.S. is activated, the program flows along the "Y" path to a function block 1554 wherein VMS prompts the user to record his name (fig.27b; col.55, lines 34-45; 'prompts' reads on the claim 'help information regarding the communication management options').

Matthews further discloses VMS inherently storing help information and providing the help information to the user (fig. 27b; 'VMS' reads on the claim 'a network interface').

Regarding claim 21, Matthews further discloses the user's telephones 18 connected to the PBX's 12 have access to the VMS 10 and the features of the VMS 10 may be utilized by a small customer with a single PBX 12 or by much larger customers having multiple PBX's 12 interfaced with a single VMS 10 (fig.1; col.4, lines 41-46; 'much larger customers having multiple PBX's 12' reads on the claim 'users being respectively associated with a plurality of office phones coupled to the PBX').

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

5.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Matthews et al. (U.S. Patent No. 4,602,129) and in view of Ball et al. (U.S. Patent No.

5,394,445).

Regarding claims 5 and 14, Matthews discloses a subscriber caller providing greeting,

name of the subscriber etc. by voice response service provided to callers who want to access the

subscriber's mailbox or RO message address (fig.35; col.68, lines 7-17, lines 48-64; 'a

subscriber caller' reads on the claim 'a user', 'greeting, name of the subscriber etc.' reads on the

claim 'personalized prompts' and 'voice response service provided to callers who want to access

the subscriber's mailbox or RO message address' reads on the claim 'first interactive voice

response service'). Matthews further discloses recording name of the subscriber (fig.27b, step

1558; 'name of the subscriber' reads on the claim 'personalized prompt'), message (fig.36, step

1848; 'message' reads on the claim 'personalized prompt'), user's response (fig.38, step 1912;

'user's response' reads on the claim 'personalized prompt') or input address (fig.38, step 1924;

'input address' reads on the claim 'personalized prompt') with dialing command or dialing digit

through a voice response service for mailbox subscriber. However, Matthews fails to teach how

to adjust "the communication management options". Ball teaches the user how to adjust the

setting of the ETR's controls (col.15, lines 60-66; 'the setting' reads on the claim 'the

communication management options'). Thus, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Matthews to allow options adjustment as

taught by Ball. The motivation for the modification is to allow the user to make an adjustment of

different types of options.

Matthews further discloses user dialing command for name record (fig.27, step 1550;

'command' reads on the claim 'selected access code') or user dialing "9" for recording a prompt

message on his RO message (fig.36, step 1842; '"9"' reads on the claim 'selected access code')

or user dialing the PIM command for recording a PIM (fig.38; 'PIM command' reads on the

claim 'selected access code') through a voice response service for mailbox subscriber (col.69,

lines 38-46; 'voice response service for mailbox subscriber' reads on the claim 'a second

interactive voice response service'). However, Matthews fails to teach "adjusting the maintained

access codes". Ball teaches the user how to adjust the setting of the ETR's controls (col.15, lines

60-66; 'the setting' reads on the claim 'the the maintained access codes'). Thus, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify

Matthews to allow access codes adjustment as taught by Ball. The motivation for the

modification is to allow the user to make an adjustment of different access codes.

Matthews further discloses when a outside caller try to access the subscriber's mailbox or

his RO message address through a voice response service provided to the caller, the recorded

personalized prompt will be released to the caller (col.75, lines 45-62; 'the subscriber's mailbox

or his RO message address' reads on the claim 'location'). However, Matthews fails to teach

"adjusted location". Ball teaches the user how to adjust the setting of the ETR's controls (col.15, lines 60-66; 'the setting' reads on the claim 'adjusted location'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to have an adjusted location as taught by Ball. The motivation for the modification is to allow the user to make an adjustment of the location.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

MD SHAFIUL ALAM ELAHEE
October 31, 2002

FAN TSANG
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